

FM No.219843 1

AMENDMENT

**JOINT PROJECT AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
LEON COUNTY, FLORIDA**

AN AMENDMENT TO THAT AGREEMENT DATED JUNE 7th 2002 CONCERNING THE ADVANCED FUNDING FOR THE ACQUISITION OF RIGHT-OF-WAY FOR MULTI-LANE RECONSTRUCTION OF STATE ROAD 10 (U.S. 90) FROM COUNTY ROAD 0353 (DEMPSEY MAYO) TO WALDEN ROAD.

THIS AMENDMENT PROVIDES FOR TRANSFER OF A PORTION OF THE FUNDS DESIGNATED FOR ACQUISITION OF RIGHT-OF-WAY TO THE USAGE OF SAID FUNDS FOR DESIGN PURPOSES.

This Amended Agreement is made and entered into this _____ day of _____, by and between the State of Florida, Department of Transportation, hereinafter called the DEPARTMENT, whose mailing address is Haydon Burns Building, 605 Suwanee Street, Tallahassee, Florida 32304 and Leon County, Florida, a political subdivision of the State of Florida, hereinafter called the COUNTY, whose mailing address is 301 South Monroe Street, Room 202, Tallahassee, Florida 32301.

WITNESSETH

WHEREAS, the COUNTY and DEPARTMENT desire to make certain improvements on State Road 10 (US 90) from County Road 0353 (Dempsey Mayo) to Walden Road including multi-lane reconstruction; and,

WHEREAS, a portion of the funds previously designated to acquire right-of-way for said multi-lane reconstruction will not be needed for said purpose; and,

WHEREAS, a major update of design plans are required for the PROJECT, and with the term "PROJECT" being expanded to include "design"; and,

WHEREAS, the Board of County Commissioners of Leon County, meeting in regular session on the _____ day of _____, 2005, has authorized the Chairman of the Leon County Commission to enter into this Amended Agreement; and

FURTHER WHEREAS, the parties are authorized to enter into this agreement under

law, specifically but not limited to, the provisions of Section 339.12 Florida Statutes 2004;

NOW THEREFORE, in consideration of these premises and the covenants contained herein, the parties agree to the following:

1. The DEPARTMENT'S preliminary estimate of the right-of-way acquisition costs, which included fees and costs of owners and the DEPARTMENT, was **six million nine hundred thirty-eight thousand dollars (\$6,938,000)**. The actual cost of right of way and the DEPARTMENT'S and owners' fees and costs have fallen below that amount by more than **two million dollars (\$2,000,000.00)**.
2. A. The parties to the Agreement recognize and hereby agree that in furtherance of completion of the PROJECT it will be in the best interest of the parties that **two million dollars (\$2,000,000.00)** of the original **six million nine hundred thirty-eight thousand dollars (\$6,938,000)** be re-designated to use for a major update of design plans for the PROJECT.

B. For the reasons stated, the COUNTY and the DEPARTMENT hereby agree that **two million dollars (\$2,000,000.00)** of the original **six million nine hundred thirty-eight thousand dollars (\$6,938,000)** shall be re-designated and directed to usage for a major update of design plans for the PROJECT.
3. All provisions of the original agreement which do not conflict with this Amendment shall remain in full force and effect.
4. For the sake of complete clarity, Item 3. above shall be expanded upon to include, but not be limited to, the understanding that **the original payback schedule will not change.**

IN WITNESS WHEREOF, the COUNTY has caused this Amendment to Joint Project Agreement to be executed in its behalf this _____ day of _____, 2005, by _____, Chairman, who was authorized to enter into and execute same by a vote of the Leon County Commission on the _____ day of _____, 2005, and the DEPARTMENT has executed this Joint Project Agreement through its Director of Production for District III, Florida Department of Transportation, this _____ day of _____, 2005.

LEON COUNTY, FLORIDA
(A political subdivision
of the State of Florida)

ATTEST:

BY: _____

BY: _____

TITLE

:

APPROVED AS TO FORM:
LEON COUNTY

BY: _____
COUNTY ATTORNEY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ATTEST:

BY: _____

JAMES T. BARFIELD
DIRECTOR OF PRODUCTION
(SEAL)
DISTRICT THREE

APRIL STONEBREAKER
EXECUTIVE SECRETARY

P.O. Box 607, Hwy 90E
Chipley, Fl 32428

APPROVED AS TO FORM:
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
W. EDWARD IVEY
SENIOR ATTORNEY